

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARTEMIO OBIACORO,
Plaintiff,

v.

OFFICE DEPOT INC.,
Defendant.

Case No. [12-cv-03039-WHO](#)

**ORDER OF DISMISSAL DUE TO
SETTLEMENT**

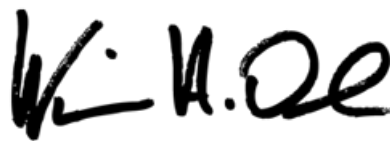
Re: Dkt. No. 22

The plaintiff, through his counsel, advised the Court that the parties signed a formal settlement agreement and that the plaintiff “intends to file a request for dismissal” by October 18, 2013. Dkt. No. 22. Under Federal Rule of Civil Procedure 41, the plaintiff may dismiss an action without a court order by filing (1) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment, or (2) a stipulation of dismissal signed by all parties who have appeared. Such a dismissal is without prejudice unless the notice or stipulation states otherwise.

Because the parties have signed a formal settlement agreement, the Court ORDERS that this matter is DISMISSED WITH PREJUDICE and any hearings or case management conferences scheduled are VACATED. It is further ordered that if any party certifies to the Court, with proper notice to opposing counsel within 45 days from the date below, that settlement has not in fact occurred, this Order shall be vacated and the case shall be restored to the calendar for further proceedings.

IT IS SO ORDERED.

Dated: September 19, 2013



WILLIAM H. ORRICK
United States District Judge